

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:09 CV 54**

**HOLLY P. OXNER, JR., and FORREST
EUGENE WEAVER, both individually
and on behalf of all similarly affected
retired and/or active police officers of
the City of Asheville,**

Plaintiffs

v

**JEFFREY RICHARDSON, Assistant City
Manager of the City of Asheville; LISA
ROTH, Director of human Resources of
the City of Asheville; and THE CITY OF
ASHEVILLE,**

Defendants

ORDER

THIS MATTER is before the court pursuant to an Order (#47) entered by the undersigned directing that counsel for plaintiffs and defendants appear to discuss the status of the above entitled matter. At the hearing, counsel for plaintiffs appeared and counsel for defendants appeared. Counsel for the parties reported that a settlement agreement had been entered into between the parties that would, subject to the approval of the court as provided by Rule 23 of the Federal Rules of Civil Procedure, resolve all disputes between the plaintiffs and defendants. The undersigned made inquiry of counsel for plaintiffs about whether or not notice had been provided to the members of the class as directed by the Order (#14) of United States District Court Judge Lacy H. Thornburg on August 6, 2009. It appears from statements of counsel for plaintiffs that notice to the members of the class has not been provided. As a

result, the undersigned will enter an order providing counsel for plaintiffs two weeks to provide notice to the members of the class as provided by the Order of Judge Thornburg of the pendency of this action and to further provide notice to the members of the class of the proposed settlement as provided by Rule 23(e)(1) of the Federal Rules of Civil Procedure. Counsel for plaintiffs will be given until December 13, 2011 to provide the two notices to the members of the class and will be given up to and including December 27, 2011 to file with the court proof of service upon all members of the class. The notice shall provide to the members of the class information as to how they can object to the settlement and give the class members fourteen (14) days after service of the notice in which to file such objections.

ORDER

IT IS, THEREFORE, ORDERED that counsel for plaintiffs provide notice of the pendency of this matter, pursuant to Rule 23(c)(2)(A), and to further provide notice as provided by Rule 23(e)(1) of the proposed settlement. Counsel for plaintiffs shall provide such notice on or before **December 13, 2011**. Counsel for plaintiffs will further be given up to and including **December 27, 2011** to file with the court notice of service of the certificates of service of the two notices upon all members of the class as provided by Rule 23 of the Federal Rules of Civil Procedure. The notice shall provide to the members of the class information as to how they can object to the settlement and give the class members fourteen (14) days after service of the notice in which to file such objections.

Signed: December 8, 2011

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

